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C O N F I D E N T I A L GUATEMALA 001673

SIPDIS

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TAGS: [SNAR](#) [KJUS](#) [PGOV](#) [PREL](#) [PINR](#) [GT](#)

SUBJECT: KEEPING NARCOTICS TRAFFICKERS FROM BEING RELEASED
BY CORRUPT JUDGES

Classified By: A/DCM DAVID LINDWALL FOR REASON 1.5 (D).

11. (C) Summary: The Ambassador met with Attorney General de Leon and with Foreign Minister Gutierrez to raise, inter alia, our concerns that an irregular change of judges presiding over the case of major narcotics trafficker Otto Herrera's organization could be the prelude to releasing the defendants in the case. Both officials subsequently informed the Ambassador that President Portillo had weighed-in with the Supreme Court (as did de Leon) to get deeply involved in the Herrera case so that the presiding judge would not be able to mishandle it in favor of the narcotraffickers. End summary.

12. (C) The Embassy learned in early June that judge Felix Eliseo Garcia Arenas (widely viewed as an honest judge) who had been presiding over the case of Byron Linares (second in command of the Otto Herrera narcotrafficking organization) and two Colombian defendants in a \$14 million money laundering case involving the Herrera organization, had been replaced by judge Luis Alfredo Morales Lopez through an irregular procedure. Morales was the judge who released from jail a number of allegedly corrupt figures with close ties to President Portillo -- including banker Alvarado McDonald. At the same time DEA began picking up information that alleged trafficker Linares was informing his business associates that he would soon be released from jail.

13. (C) In meetings with Attorney General Carlos de Leon on June 19 and with Foreign Minister Edgar Gutierrez on June 24 the Ambassador raised our concerns that the irregular switching of judges in this important case and judge Morales's track record of releasing well known criminals from jail could lead to the release from prison of Byron Linares and the two Colombian defendants in the money laundering case against the Otto Herrera narcotrafficking organization. The Ambassador noted that we view the ongoing case against the Herrera organization as being emblematic of the GOG's ability to prosecute major narcotics traffickers, and any irregular action by a judge to release the defendants in this case would be a severe blow to the war against drugs in Guatemala. He urged the senior GOG officials to weigh-in with the Supreme Court to ensure that they are vigilant and that this case will not be mishandled.

14. (C) Attorney General de Leon and Foreign Minister Gutierrez, after discussing the matter with President Portillo and members of the Court, assured the Ambassador that the President of the Supreme Court had been apprised by President Portillo, and, separately, by de Leon, of the potential problem, and had guaranteed that the full court would be made aware of the situation and would follow the case closely, requesting regular updates from the presiding judge.

15. (C) Comment: The high court did not offer an explanation for why the judges in this important case had been switched, nor did it offer to return the case to the original judge. However, everyone from President Portillo on down is now aware that the Embassy is following the case closely, and it is encouraging that the Attorney General, Foreign Minister and President all jumped on it when it was brought to their attention.

HAMILTON